

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

Received
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Copyright Royalty Board

In the Matter of)
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Distribution of the)
2011 Cable Royalty Funds)
_____)

Docket No. 2012-9 CRB CD 2011

**COMMENTS OF PROGRAM SUPPLIERS
ON THE EXISTENCE OF A CONTROVERSY**

The Motion Picture Association of America, Inc. ("MPAA"), on behalf of its represented member companies and other MPAA-represented producers and distributors of syndicated series, including non-team sports, movies, and specials broadcast by television stations whose signals are carried as distant signals by cable systems ("Program Suppliers"), hereby submits its comments in response to the request for comments published by the Copyright Royalty Judges ("Judges") on January 18, 2013. *See Distribution of the 2011 Cable Royalty Funds*, 78 Fed. Reg. 4169 (January 18, 2013) ("Notice"). The Notice requests comments regarding: (1) whether there are any reasonable objections to Phase I Parties' Motion for Partial Distribution, ("Motion"), concerning the 2011 cable royalty fund ("2011 Cable Fund"), and (2) the existence of outstanding Phase I and Phase II controversies for the 2011 Cable Fund.

Program Suppliers address the first issue jointly, with the other Phase I Parties, in separately-filed comments supporting the Motion. *See Comments of the Phase I Parties* (filed on February 19, 2013) ("Joint Comments"). As the Phase I Parties note in the Motion and in their Joint Comments, sound policy considerations favor early partial distribution of royalties. Because there is often a substantial delay between the time that royalties are collected and the conclusion

of distribution proceedings, both Congress and the Copyright Office ("Office") have recognized the importance of distributing the maximum amount of copyright royalties to copyright owners at the earliest possible date. *See* Motion at 3-4. These same policy considerations favor an initial distribution of the 2011 Cable Fund at this time, and should be given considerable weight by the Judges in addressing the Motion.

Program Suppliers address the second issue identified in the *Notice* below.

I. Controversies With Respect to the 2011 Cable Fund

A. Phase I Controversies

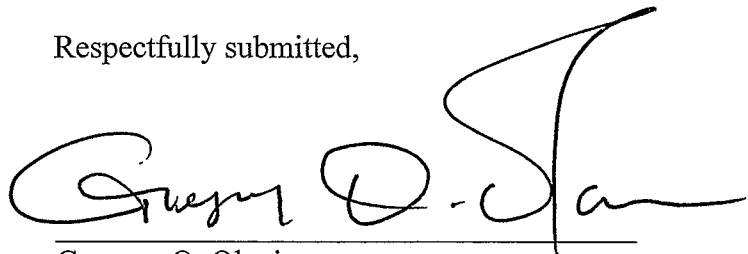
As discussed in the Joint Comments, a controversy currently exists among the Phase I Parties as to the 2011 Cable Fund. Program Suppliers anticipate that a hearing will be necessary to resolve Phase I controversies as to the 2011 Cable Fund. On January 18, 2013, the Phase I Parties filed a motion seeking to initiate a consolidated Phase I Proceeding as to the 2010 cable royalty funds and the 2011 Cable Fund. *See* Motion to Initiate Phase I Proceeding For The Distribution Of The 2010 And 2011 Cable Funds, Docket Nos. 2012-4 CRB CD 2010 and 2012-9 CRB CD 2011 at 2-3 (filed January 18, 2013). This Motion has not been opposed by any party, and should be granted by the Judges.

B. Phase II Controversies

MPAA-represented Program Suppliers have claims to royalties awarded for movies, syndicated programming, and special programs, including non-team sports programming, as to the 2011 Cable Fund. To the extent a claimant not represented by MPAA makes a claim that could impact the claims of the MPAA-represented Program Suppliers in the course of these comments, a Phase II controversy would exist against the MPAA-represented Program Suppliers. With respect to the 2011 Cable Fund, the MPAA-represented Program Suppliers are aware of Phase II controversies in the Program Suppliers category between the MPAA-represented

Program Suppliers and those Program Suppliers represented by the National Association of Broadcasters ("NAB") and Independent Producers Group ("IPG"). MPAA has not reached a Phase II settlement with either NAB or IPG as to the 2011 Cable Fund, and it anticipates that a hearing will be necessary to resolve those controversies. MPAA-represented Program Suppliers estimate that a Phase II reserve amount of \$500,000 is more than adequate to satisfy both NAB and IPG's Phase II claims in the Program Suppliers category. If Phase II hearings are held, MPAA intends to participate fully in those hearings. MPAA will represent the producers and/or distributors of syndicated series, including non-team sports, movies, and specials who have agreed to representation by MPAA.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "Gregory O. Olaniran". The signature is fluid and cursive, with a large, stylized "G" and "O".

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Dated: February 19, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2013, a copy of the foregoing Comments of Program Suppliers on the Existence of Controversies was sent by Federal Express to the individuals listed below:


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